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MARK A. GARZIA, P.C.
A PROFESSIONAL CORPORATION

2058 CHICHESTER AVENUE
BOOTHWYN, PA 19061-3735

Telephone: 610.485.9400
Facsimile: 610.485.7660
E-mail: mark@patentcounsel.net

ATTY. DOCKET: ALLE-P3.2-US

ATTORNEY AT LAW
Admitted in PA and NJ
Registered Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : ALLEY, Kenneth A.
TITLE : TEST STRIP FOR USE IN AN APPARATUS FOR
SAMPLING AND TESTING A SPECIMEN
APPLICATION NO. : 10/001,626
FILING DATE : October 24, 2001
EXAMINER : SIEFKE, Samuel P.
ART UNIT : 1743
ATTORNEY DOCKET NO. : ALLE-P3.2-US

TO: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. §§ 1.56, 1.97 and 1.98

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits an Information Disclosure Statement (IDS) for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION

The thirteen (13) documents that are being brought to the attention of the Examiner for consideration are listed on Form PTO-1449 (1 pg.) attached hereto.

II. COPIES (check at least one box)

A. ☐ Pursuant to the Official Gazette Notice dated August 5, 2003, the PTO waived

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the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. Patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003, and for all international applications that have entered the national stage under 35 USC 371 after June 30, 2003. Since the subject application was filed after June 30, 2003, submitted herewith is a legible copy of each foreign patent document (0 documents) and each non-patent document/literature (0 documents) listed.

B. ☐ Any patents, publications or other information which are listed on Form-PTO/SB/08A, Form-PTO-1449 or on the copies of PTO-892, but which are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Serial Number

U.S. Filing Date

C. ☒ Submitted herewith is a legible copy of (i) each U.S. patent application publication and U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; (iii) for each cited pending U.S. application, the application specification including the claims, and any drawing of the application which caused it to be listed including the claims directed to that portion; and (iv) all other information or that portion which caused it to be listed.

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

A. ☒ Except as may be indicated below in (B), all of the patents, publications or other information are in the English language (concise explanation not required).

B. ☐ A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):

C. ☐ The following additional information is provided for the Examiner's consideration.

IV. CROSS REFERENCE TO RELATED APPLICATION(S)

A. ☒ The Examiner is advised that the following co-pending application(s) contains subject matter that may be related to the present application. By bringing this (these) application(s) to the Examiner's attention, Applicants do not waive the confidentiality provisions of 35 U.S.C. § 122.

Serial No.
10/002,313

Filing Date
Oct. 24, 2001

Art Unit
2856

Atty. Docket
ALLE-P3.1-US

V. THIS IDS IS BEING FILED UNDERA. ☐ 37 C.F.R. § 1.97(b): (check only one box)

1. ☐ within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. § 1.97(b)(1)). No fee or certification is required.

2. ☐ within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or certification is required.

3a. ☐ before the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or certification is required.

3b. ☐ in the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below; or if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

4. ☐ before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No fee or certification is required.

B. ☒ 37 C.F.R. § 1.97(c): (check only one box)

• before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution.

1. ☒ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

2. ☐ See the certification below. No fee is required.

C. ☐ 37 C.F.R. § 1.97(d): (check only one box)

• after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.

1. ☐ See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.311.

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e): (if required, check only one box)

A. ☐ each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(1)); or

B. ☐ no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).

C. ☐ Some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

VII. PAYMENT OF FEES (if required, check only one box)

A. ☐ A check in the amount of \$180.00 is enclosed for the above-identified fee.

B. ☐ Please charge Deposit Account No. _____ in the amount of \$180.00 for the above-indicated fee. A duplicate copy of this paper is attached.

C. ☒ Credit Card Payment Form (PTO-2038) is enclosed in the amount of \$180.00 for the above-indicated fee.

This Information Disclosure Statement (IDS) should not be construed as a representation that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(b) exists. The submission of these documents is not intended to be deemed an admission that they are, or are considered to be, statutory prior art, analogous art, contain matter which anticipates the invention or material to patentability as defined in 37 C.F.R. § 1.56(b). Also, by this listing, the Applicant is not making any admission regarding the relative dates of the invention and listed disclosures.

Some of the documents may have markings thereon. No significance is intended to be attached to the markings. Moreover, no representation is made that any brief descriptions of the references herein necessarily describe the most material aspects of the references.

The Examiner is requested to consider carefully the complete text of these documents in connection with the examination of the above-identified application in accordance with 37 C.F.R. § 1.104(a). It is requested that the document listed on the attached Form PTO-1449 be included in the "References Cited" portion of any patent that may issue from this application (M.P.E.P. § 1302.12), and that the Examiner initial and return a copy of said form to evidence consideration of the document.

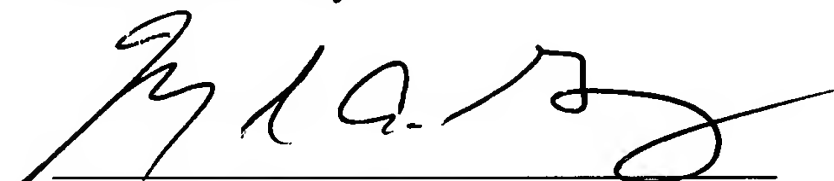
A self-addressed postage pre-paid postcard is enclosed for the PTO to acknowledge receipt of this communication.

It is believed that this IDS complies with the requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98 and the Manual of Patenting Examining Procedures § 609. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to accept this IDS under the appropriate rule and to contact the undersigned by telephone promptly so that any deficiency may be remedied.

Respectfully submitted,

Kenneth A. Alley

Date: 28 JULY 2004



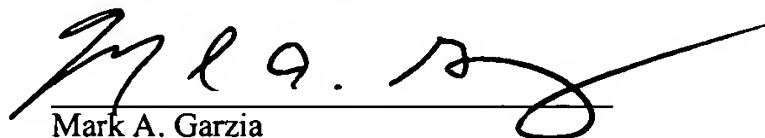
Mark A. Garzia, Esquire
Registration No. 35,517
Law Offices of Mark A. Garzia
2058 Chichester Ave.
Boothwyn, PA 19061
Telephone: (610) 485-9400

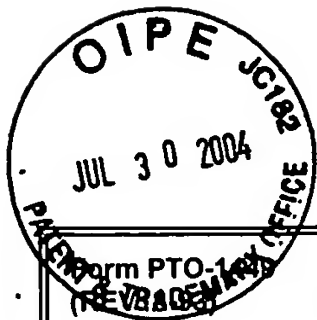
Enclosures (16)

CERTIFICATE OF MAILING

I hereby certify that this communication, along with any paper or fee indicated as being enclosed, is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

28 JULY 2004
Date


Mark A. Garzia



Form PTO-144 (REV. 10-01-00)	U.S. Department of Commerce Patent and Trademark Office	Application No. 10/001,626 Filed: October 24, 2001 Inventor: Kenneth R. Alley Atty. Docket No.: ALLE-P3.2-US
INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)		

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	3,774,455	11/27/1973	Seidler et al.	73	444	
	4,927,605	05/22/1990	Dorn et al.	422	102	
	4,979,402	12/25/1990	Ryan et al.	73	864.64	
	5,709,838	01/20/1998	Porter et al.	422	61	
	5,998,214	12/07/1999	Guirguis	436	165	
	6,074,606	06/13/2000	Sayles	422	58	
	6,294,710	09/25/2001	Schmidt et al.	604	378	
	6,537,496	03/25/2003	Knappe et al.	422	58	

FOREIGN PATENT DOCUMENTS

Document Number	Date	Country	Class	Subclass	Translation
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	Yes	No
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

		Copy of brochure for DRUG CHECK screening device; Drug Free Enterprises, Inc.; Scotts Valley, CA (2 pgs.)
		Copy from website for DRUG CHECK screening device; Drug Free Enterprises, Inc.; www.drugcheck.com (2 pgs.)
		Copies of 3 brochures from Phamatech, Inc.; San Diego, CA; including Pregnancy and Ovulation brochure (2 pgs.); QuickScreen brochure (1 pg.); and ClearChoice brochure (2 pgs.)

EXAMINER	DATE CONSIDERED
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*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 809; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.